

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated July 26, 2011. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-9 and 21-31 are pending in the Application. Claim 1 is a sole independent claim.

In the Final Office Action, claims 1-9 and 21-31 are rejected under 35 U.S.C. §112, first paragraph. This rejection of the claims is respectfully traversed. The Final Office Action objects to the element reciting "an actuator for converting the mechanical interaction with the at least one area of the conductive elastomeric material". However, in the interest of advancing consideration and allowance of the pending claims, the Applicants have elected to amend claim 1 to clarify that "an actuator connected to the plurality of areas for translating the accepted mechanical interaction into at least one electronic signal related to at least one area of the conductive elastomeric material". Manipulation of each of the areas 20, 25 produces a signal related to that particular area. Support for this is found in the present application such as at page 2, line 20 to page 3, line 1, reciting the following:

The conductive elastomeric material can be selectively and/or proportionally manipulated to facilitate accomplishing one or more relatively complicated electronic functions/operations.

Accordingly, it is respectfully submitted that the rejected claims are definite and, thus, overcome this rejection. Accordingly, withdrawal of the claim rejection is respectfully requested.

Claims 1-9 and 21-31 are rejected under 35 U.S.C. §112, first paragraph. As argued above, the rejected element reading "converting the mechanical interaction" is clarified to recite "translating the accepted mechanical interaction into at least one electronic signal related to at least one area of the conductive elastomeric material". Support for this is clearly provided further in the Abstract and page 4, lines 6-9 of the present application.

Claims 1-9 and 21-31 are rejected under 35 U.S.C. §112, second paragraph. In response, claim 1 is amended as discussed above, to address the concerns raised in the Final Office Action. Accordingly, withdrawal of the claim rejection is respectfully requested.

In the Final Office Action, claims 1, 2, 5, 7-9 and 21-31 are rejected under 35 U.S.C. §103(a) over U.S. Patent Publication No. 2001/0017759 to Marmaropoulos ("Marmaropoulos"). Claims 3 and 4 are rejected under 35 U.S.C. §103(a) over Marmaropoulos in view of Asher and further in view of U.S. Patent No. 6,360,615 to Smela ("Smela"). Claim 6 is rejected under 35 U.S.C. §103(a) over Marmaropoulos in view of U.S. Patent No. 4,703,521 to Asher ("Asher"). These rejections are respectfully traversed. It is respectfully submitted that the rejected claims are allowable over Marmaropoulos, Asher and Smela for at least the following reasons.

Claim 1 recites "an actuator connected to the plurality of areas for translating the accepted mechanical interaction into at least one electronic signal related to at least one area of the conductive elastomeric material". As the Applicants argued in the response to the previous Office Action, the above recitation is not related to signage but instead describes translation of mechanical interaction with a specific area of the material into

signals related to that specific area of the material.

The Examiner references Marmaropoulos, paragraphs [0016] and [0022]-[0024] as describing the above quoted recitation. It is respectfully submitted that this is not so. In paragraph [0016] Marmaropoulos describes "a stretchable material having an electrical resistance which varies with the applied tension". In Marmaropoulos, paragraph [0022], with reference to cords Marmaropoulos describes "on release of the tension they will return to their original length and to a steady state resistance value R_s ". In paragraphs [0023] and [0024] Marmaropoulos describes the (emphasis added) "cords 40, 42 are each attached at one end electrically to the sensor circuit 34 of the radio 16 and mechanically to the garment 12" and that when "cord 40 is stretched and the volume of sound in the earphones 18 is increased" and when "cord 42 is stretched and the sound volume is decreased". It is respectfully submitted that these paragraphs and the rest of Marmaropoulos do not teach, disclose or suggest "translating the accepted mechanical interaction into at least one electronic signal related to at least one area of the conductive elastomeric material" as recited in claim 1.

It is respectfully submitted that the claims are not anticipated or made obvious by the teachings of Marmaropoulos. For example, Marmaropoulos does not disclose or suggest, amongst other patentable elements, (illustrative emphasis added) "a conductive elastomeric material including a plurality of areas for accepting a mechanical interaction therewith; an actuator connected to the plurality of areas for translating the accepted mechanical interaction into at least one electronic signal related to at least one area of the

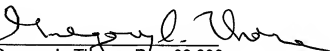
conductive elastomeric material", as recited in claim 1. Smela and Asher are cited to reject dependent claims and as such do not remedy the above discussed deficiencies of Marmaropoulos.

Based on the foregoing, the Applicants respectfully submit that independent claim 1 is patentable over the prior art references and notice to this effect is earnestly solicited. The dependent claims respectively depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position, or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 
Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
September 26, 2011

THORNE & HALAJIAN, LLP
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101